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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-06-70436 EMC
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING PRELIMINARY
v.)	HEARING OR ARRAIGNMENT DATE
)	AND WAIVING TIME
CESAR ROBERTO SANCHEZ RAMIREZ,)	
)	
Defendant.)	SAN FRANCISCO VENUE
)	

On August 3, 2006, the parties in this case appeared before the Court for Identification of Counsel. At that time, the parties stipulated that the Preliminary Hearing Date would be continued until August 22, 2006, and that time should be excluded from the Speedy Trial Act calculations from August 3, 2006 to August 22, 2006 for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also stipulated that, pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be tolled and waived from August 3, 2006, to and including August 22, 2006. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension.

1 **IT IS SO STIPULATED.**

2 Respectfully submitted,

3 KEVIN V. RYAN
4 United States Attorney

5 DATED: 08/14/06

/s/ Derek R. Owens
6 DEREK R. OWENS
7 Special Assistant U.S. Attorney

8 DATED: 08/14/06

/s/ Alex Reisman
9 ALEX REISMAN
10 Attorney for Defendant Hernandez

11 As the Court found on August 3, 2006, and for the reasons stated above, the Court finds that
12 an exclusion of time between August 3, 2006 and August 22, 2006 is warranted and that the ends
13 of justice served by the continuance outweigh the best interests of the public and the defendant in
14 a speedy trial. The failure to grant the requested continuance would deny defense counsel the
15 reasonable time necessary for effective preparation, taking into account the exercise of due
16 diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv). The
17 Court also finds that good cause exists pursuant to Federal Rule of Criminal Procedure (FRCP)
18 5.1(d) to waive and toll the time limits set forth in FRCP 5.1(c) from August 3, 2006, to and
19 including August 22, 2006.
20

21
22 **IT IS SO ORDERED.**

23 DATED: August 15, 2006


24 JOSEPH C. SPERO
25 United States Magistrate Judge
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